

REMARKS

The present Amendment responds to the Office Action dated May 18, 2006 having a shortened statutory period for response set to expire August 18, 2006. Filed concurrently herewith is a request for a one (1) month extension of time to respond, making the present Amendment due by September 18, 2006.

At the outset, Applicants' representative appreciates the telephone inquiry received from the Examiner dated May 15, 2006 wherein the possibility of filing a supplemental Information Disclosure Statement (IDS) was discussed. Specifically, the Examiner called to discuss the references identified in the specification. Applicants' representative has now had the opportunity to more thoroughly review the present specification and the prosecution file corresponding thereto and notes that the supplemental IDS filed on January 23, 2006, and initialed by the Examiner on May 15, 2006, properly discloses documents referenced to in the present specification for the purpose of meeting Applicants' duty of disclosure under 37 C.F.R. § 1.56. The supplemental IDS filed on January 23, 2006 supplements the first IDS filed in this case on June 22, 2005.

In addition, concurrently filed herewith is a second supplemental IDS, which discloses additional references to supplement those already made of record. This IDS is accompanied by the fee set forth in 37 CFR § 1.17(p). Applicants respectfully request that the Examiner initial the form PTO/SB/08A where indicated and return a copy of the initialed documents to the undersigned as an indication that the listed references have been considered and made of record.

Turning to the Office Action, Applicants note with appreciation that the Examiner has stated that the closest reference made of record thus far is US Patent No. 4,801,592 and further that this reference "does not teach nor suggests the compounds containing a halo substituent as in present invention." (OA, p. 3). However, the pending claims 1-12 have been rejected under 35 USC § 112, second paragraph "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." *Id.* Particularly, the Examiner has objected to the language "any of the foregoing" in the claims. Applicants have deleted this language from the claims in which it appeared, specifically, claims 1 and 6. Additionally, as the Examiner has suggested, the claims and representation of formula 1 have been amended to remove W, X, and Y from the claim and replace them with -CH-. The Examiner will note that Applicants have further amended these claims and formula 1 to remove Z and replace it with -N-. Specifically, claims 1, 6, 7, 8, 9, and 10 have been amended in this way.

Applicants have also cancelled claim 5 and made other claim amendments to address various informalities such as punctuation, grammar, and formatting. In addition, dependent claims 6, 7, 8, 9, have been amended to remove those portions that do not further limit the scope of the

claim from which it depends. Applicants respectfully submit the claim amendments have addressed the Examiner's § 112 rejections and further that the additional claim amendments to address the informalities do not add new matter. Accordingly, Applicants submit that all of the pending claims are in condition for allowance.

Based upon the foregoing then, the Examiner is courteously solicited to pass this application on to allowance. No other fees are believed to be payable at this time. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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